

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 11326/1998

BETWEEN:

Muniramanayaka, major,
s/o Giriyappa Nayaka,
Dasarahalli, Chittor Dist.,
A.P.

.. Petitioner

(By Sri B.R.Viswanath, Adv.,)

AND:

1. The Asst. Commissioner,
Kolar Sub-Division, Kolar.
2. The Tahsildar, Malur Tq.,
Malur, Kolar Dist.,
3. Ven ~~takaramana~~ Nayaka, major,
s/o Timmarayana Nayaka,
Vadagana Halli, Malur Tq., .. Respondents

(By Sri K.Nagaraja, HCGP, for R1 & 2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash vide Annex.C dated 22.1.1998 by R1 and etc.,

This Writ Petition coming on for prly.
hearing this day, the Court made the following :-

ORDER

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O R D E R

The petitioner states that he has already instituted a Suit in O.S.83/1998 on the file of the learned Civil Judge, Junior Division, Malur, Kolar District, for declaration of his title and for injunction in respect of the land in question. In view of the decision of this Court in MURUGA-RAJENDRA MAHASWAMY Vs. DEPUTY COMMISSIONER, the impugned orders rejecting the application of the petitioner to mutate his name in the revenue records are subject to the decision of the Civil Court in the aforesaid Suit. In this view of the matter, I find no reason to interfere with the impugned orders. The petition, therefore, fails and accordingly rejected.

However, it is made clear that the Civil Court should decide the Suit on the basis of the evidence that may be produced by the parties without being influenced either by the impugned orders or any observation made therein.

Sd/-
JUDGE

ckl/4498

